

REMARKS

Claims 1-4, 6-8, 11-14, 17-23, and 25-31 are pending in this application. Claims 1, 6, 17-19, 26, 27, and 31 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-4, 6-8, 11-14, 17-23, 25-27, and 31 under 35 U.S.C. § 103(a) as being unpatentable over *Garfinkle et al.* (USP 6,133,985); and rejected claims 2-3, 7, 13-14, and 22-23 under 35 U.S.C. § 102(e) as being unpatentable over *Garfinkle et al.* in view of *Parulski* (EP 0860980). Applicants respectfully traverse these rejections.

Examiner Interview

Applicants wish to thank the Examiner for the interview conducted on June 9, 2003. It is respectfully submitted that the remarks herein are made further to the discussions had during the interview.

Claim Rejections - 35 U.S.C. § 103 - *Garfinkle et al.*

With regard to the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over *Garfinkle et al.*, the Examiner admits that *Garfinkle et al.* does not expressly disclose a user address setting means for enabling a service user to set their electronic mail address wherein the mail transmitting means

describes the mail address set by the user address setting means as the address of the sender of the electronic mail message and wherein the address of the sender of the electronic mail message is an automatic reply address. However, the Examiner takes official notice by asserting these elements are well-known features of e-mail program operations. Applicants respectfully disagree with the Examiner's assertions.

It is respectfully submitted that generally when an e-mail is generated by an e-mail program, the address of the entity that is sending the electronic mail message is automatically placed in the e-mail. However, the present invention as set forth in claim 1 recites, *inter alia*, an application server used in a network photograph service system comprising a user address setting means for enabling the service user to set their electronic mail address thereof, wherein the mail transmitting means describes the mail address set by the user address setting means as the address of the sender of the electronic mail message, and wherein the address of the sender of the electronic mail message is an automatic reply address. Thus, although the application server used in the network photograph system is generating and transmitting the electronic mail message, it is the service user's address that is set as the sender of the electronic mail message. Thus, Applicants respectfully traverse the Examiner's official notice. Applicants

respectfully submit that the elements of claim 1 as described above are not well known and, thus, it is respectfully submitted that claim 1 is not obvious over *Garfinkle et al.* Applicants respectfully request the Examiner either provide a proper reference that teaches or suggests this claim element or allow the outstanding claim.

It is respectfully submitted that claims dependent upon claim 1 are allowable for at least the reasons set forth above with regard to claim 1 based upon their dependency on claim 1. It is further respectfully submitted that independent claims 6, 17-19, 26, 27, and 31 contain elements similar to those discussed above with regard to claim 1 and, thus, these claims, together with claims dependent thereon, are not obvious over *Garfinkle et al.*

Claim Rejections - 35 U.S.C. § 102

With regard to the Examiner's rejection of claims 2-3, 7, 13-14, and 22-23 under 35 U.S.C. § 102(e) as being unpatentable over *Garfinkle et al.* in view of *Parulski*, Applicants respectfully submit that the rejection of these claims is improper. First, it is respectfully submitted that any claim rejections under 35 U.S.C. § 102(e) anticipate claims based upon the teachings of one reference. As the Examiner has cited two references, it is respectfully submitted that the proper statutory basis for the rejection of these claims is 35 U.S.C. § 103. Second, as the Examiner has

rejected the independent claims under 35 U.S.C. § 103, it is improper for the Examiner to reject the dependent claims under 35 U.S.C. § 102. As such, it is respectfully requested that the outstanding rejection be withdrawn.

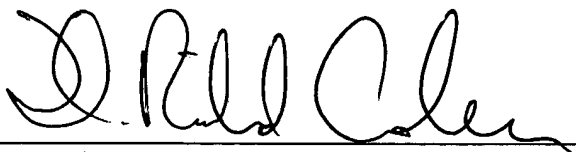
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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